

courts in certain cases ; read second time, and, on motion of Mr. Scott, referred to the committee on the Judiciary.

A bill regulating division fences; read second time, and, on motion of Mr. Bigelow, referred to the committee on the Judiciary.

A bill to abolish implied or secret liens on real estate ; read second time, and, on motion of Mr. Hart, referred to the committee on the Judiciary.

The resolution of the Senate, requiring the committee on the Judiciary to inquire into the propriety and necessity of passing some law regulating the community property of husband and wife, &c., was read and adopted.

The resolution of the Senate, instructing the committee on the Judiciary to inquire into the situation of the lands granted by the State to the Georgia battallion, &c. ; read and adopted.

On motion of Mr. Hart, the Senate adjourned until 10 o'clock to-morrow morning.

THURSDAY, November 13, 1851.

The Senate was called to order by the President, pursuant to adjournment—roll called—quorum present—prayer by the Rev. Mr. Baggerly—the journal of yesterday was read and adopted.

Mr. Grimes presented a memorial of sundry citizens of the State, on the subject of education : referred to the committee on Education.

Mr. Hart presented the petition of William M. Christy : referred to the committee on Private Land Claims.

Mr. Truit presented the petition of Richard Hooper : read, and, on motion of Mr. Truit, referred to the committee on Claims and Accounts.

Mr. Truit presented the petition of the heirs of Nancy Williams, deceased : read, and, on motion of Mr. Truit, referred to the committee on Private Land Claims.

Mr. Reaves, from the committee on the Judiciary, made the following report :

The committee on the Judiciary, to whom was referred a bill to amend the fourth section of the act regulating attachments, have instructed me to report, that they have had the same under consideration ; and they are unanimously of opinion that the bill, if passed, would be fraught with mischief, and open a door to vexatious and harrassing litigation. They further believe, that the writ of attachment is an extraordinary process, and should

not be resorted to under any ordinary circumstances ; and if authorized by law to be issued against a party for leaving the county of his residence, the rights of parties would be greatly endangered, and subjected to ruinous bills of costs, in many cases, without any just, or even probable cause for the issuance of such writ. They are, therefore, unanimously agreed in reporting the bill back to the Senate, and recommending its rejection

Mr. Taylor, chairman of the committee on Private Land Claims, to whom was referred the petitions of Sophia Sanders, of Nelson Morey, of Nancy A. Roberts, and of Emanuel Clements, reported the following bill, and recommended its passage :

A bill for the relief of certain persons therein named : read first time.

Mr. Taylor, chairman of the committee on Private Land Claims, to whom was referred the petition of Francis Ramsdale, reported the same back to the Senate, and recommended that it be referred to the committee on Claims and Accounts.

Mr. Wilson moved that,

WHEREAS, Mr. John M. Jones, of Galveston, has, at much trouble, obtained copies of many treatises on the different systems of education in Europe and America, which he kindly offers to the Senate for the use of the committee on Education ; therefore, the Secretary of the Senate be instructed to tender to Mr. Jones the thanks of the Senate, and to take measures for obtaining said books ; and that any expense which may accrue for the transportation of said books from Galveston, be paid out of the contingent fund. Carried.

Mr. Eddy offered the following resolution :

Resolved, That the committee on the Militia be requested to examine into the situation of the Adjutant-General's office, and to report upon the practicability of abolishing the same, or for transferring a portion of said office to the Land, or Auditor's office, and of making it a bureau in said offices, and to report by bill or otherwise.

Mr. Gray made the following report :

COMMITTEE-ROOM, Nov. 13, 1851.

To the President of the Senate:

The committee on the Judiciary have considered the subject of the resolution, instructing them to enquire concerning the operation of the laws intended to protect the rights of the heirs of deceased soldiers, and if found deficient, to report a bill as a remedy. The committee are well satisfied that evils now exist, arising from a supposed repeal of the laws referred to, and that it is proper to remove all doubts on the subject. It is not in the

power of the Legislature to annul acts done under administrations already opened. If they were legally opened, there is no constitutional mode of avoiding the proceedings, but they may be acted on prospectively. The enclosed bill, the preamble of which expresses the object of the committee, will supply the remedy needed.

P. W. GRAY, Chairman.

A bill concerning estates of deceased soldiers: read first time.

Mr. Burleson introduced a bill for the relief of Isaac McGary: read first time.

Mr. Truit introduced a bill to grant a ferry privilege to H. L. Brook: read first time.

ORDERS OF THE DAY.

The report of the committee on the Judiciary, on the resolution instructing them to take into consideration the propriety of passing some law, by which any citizen of this State who conceives himself entitled to lands may institute suit in the District Court, against the State, was read and adopted.

A bill better defining the boundaries of Cameron county: read second time, and ordered to be engrossed.

The report of the committee on the Judiciary, on the bill to amend the 67th section of an act to organize Justices' courts, and to define the powers and jurisdiction of the same, &c., offering as a substitute therefor, "a bill concerning writs of certiorari from Justices' courts;" read and adopted; and on motion of Mr. Armstrong, the bill was laid on the table until tomorrow.

The report of the committee on the Judiciary, on the bill to repeal the third section of the "act regulating estrays, and to prescribe the mode of advertising estrays," offering a substitute therefor, was read, and substitute adopted.

Mr. Grimes moved to amend the bill by striking out "sixty days," and inserting twelve months.

Mr. Taylor moved a division of the question—the question to strike out was taken and carried.

The question then recurred on the motion of Mr. Grimes, to fill the blank with twelve months, which motion Mr. Hill moved to amend by inserting two years; lost—the blank was then filled with twelve months.

Mr. Williams offered to amend the bill by adding the following proviso at the end of section 1: "Provided, that if such notice cannot be published in said county for the fee herein allowed, then the same may be published in the nearest paper in which the same can be published for the fee;" adopted.

The bill was then ordered to be engrossed.

The report of the committee on the Judiciary, on a bill to secure the right of redemption in lands sold under execution, was read.

Mr. Day moved to refer the bill and the report to a select committee; lost.

The Senate refused to adopt the report.

On motion of Mr. Wilson, the bill was referred to a select committee. Messrs. Truit, Parker and Hill were appointed said committee.

The report of the committee on the Judiciary, on a bill to incorporate the town of Jasper, offering a substitute for the sixth section, was read and adopted, and bill ordered to be engrossed.

A bill to allow the county of Cameron to levy a special tax; read and ordered to be engrossed.

The report of the committee on Private Land Claims, on the petition of Richard Parmalee, assignee of Baltazar Orset, recommending that it be referred to the committee on Public Lands, was read and adopted.

A bill for the relief of the estate of Jabez Fitzgerald, dec'd; read first time.

A bill for the relief of Richard Parmalee, assignee, &c.; read second time.

On motion of Mr. Davis, the Senate adjourned until 3 o'clock, p. m.

3 O'CLOCK, P. M.

Senate met—roll called—quorum present.

A bill for the relief of Richard Parmalee, assignee, &c., being under consideration when the Senate adjourned, was again taken up.

Mr. Hill moved to amend the bill by striking out "Richard Parmalee," and inserting after "Cecilio Fernandez," the words, "his heirs or assignees."

Mr. Gray offered as a substitute for the bill,

A bill to authorize the commissioner of the General Land Office to issue patents on land certificates issued by the Supreme or District courts, which was adopted.

On motion of Mr. Gray, the bill was amended by inserting after the words "issued by," the words "or by order of."

The bill was then ordered to be engrossed by the following vote:

YEAS—Messrs. Armstrong, Bigelow, Burleson, Davis, Doane, Duggan, Gray, Grimes, Hill, Merriman, Meusebach, Parker, Reaves, Scott, Sterne, Williams and Wilson—17

NAYS—Messrs. Burks, Dancy, Day, Eddy, Hart, Taylor and Truit—7

A bill to repeal the thirteenth, fourteenth and fifteenth sections of an act concerning wills, approved January 28, 1840; read second time, and on motion of Mr. Taylor, referred to the committee on the Judiciary.

A bill to amend the third section of an act to define the time of holding the District courts for the fifth and sixth Judicial Districts; approved February 11, 1850; read second time, and, on motion of Mr. Parker, referred to a select committee, to be composed of one Senator from each Judicial District.

A bill for the relief of such persons as have emigrated to Texas under the provision of an act of the Republic of Texas granting land to emigrants, &c.; read second time, and on motion of Mr. Hart, laid on the table until to-morrow.

A bill to provide for obtaining possession and control of the five millions stock bonds, due by the United States to Texas, and the interest thereon; read second time, and, on motion of Mr. Gray, referred to the committee on Finance.

A bill to amend an act to create the county of Freestone; read second time and ordered to be engrossed.

A bill authorizing jurors' tickets to be paid out of the State tax; read second time, and, on motion of Mr. Taylor, referred to the committee on Finance.

On motion of Mr. Davis, a bill providing for the payment of the debt of the late Republic of Texas, was taken from the table and referred to the committee on Public Debt.

Mr. Reaves, chairman of the committee on Engrossed Bills, reported a bill to incorporate the Jasper Collegiate Institute correctly engrossed.

On motion of Mr. Parker, the Senate adjourned until 10 o'clock to-morrow morning.

FRIDAY, November 14, 1851.

The Senate was called to order by the President *pro tem.*—prayer by the Rev. Mr. Baggerly—roll called—quorum present.

The journal of yesterday read and adopted.

Mr. Armstrong presented the petition of James Hall, praying for land; referred to the committee on Private Land Claims.

Mr. Eddy presented the petition of Paul G. Swift, praying for mining privileges; referred to the committee on State Affairs.

Mr. Bigelow, from the committee on the Judiciary, made the following report: